

Application No. 09/517,983
Amendment dated January 10, 2005
In reply to Office communication dated September 8, 2004

REMARKS/ARGUMENTS

Following amendment, forty-eight (43) total claims and four (4) independent claims (claims 1, 6, 26, and 40) remain in this application. Specifically, Applicants seek to amend existing claims 1, 2, 6, 26, and 40 and to cancel claims 5 and 45-48. The amended claims seek to clarify the subject matter of the present invention, to place the present application in better condition for examination, and to correct minor typographical errors in the current claim set. Applicants believe that the present Amendment adds no new subject matter and respectfully request the entering of this Amendment.

CLAIM REJECTIONS UNDER 35 USC §112, SECOND PARAGRAPH

Sections 3-4 of the Office Action rejected claims 1, 2, 5 and 6 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention, namely a system and method where (i) pricing data is used to form a set of possible bid amounts, (ii) a profit (or loss) estimate is formed for each of the bids, (iii) a competitor bid is estimated, (iv) a likelihood of winning an auction is estimated for the bids in view of the competitor bid; and optionally (v) selecting an optimal bid according to the likelihood of success and profitability associated with the possible bids. Accordingly, Applications have amended the claims 1, 2, and 6 and cancelled claim 5 to address the problems cited in the Action. Applicants believe that these changes address all grounds for rejection under 35 USC §112, Second Paragraph, but would welcome the examiner's further recommendations should any additional changes be needed to sufficiently clarify the subject matter of the invention.

ALLOWABLE SUBJECT MATTER

Applicants would like to express great appreciation for the indication in the Office Action that claims 45-48 would be allowable if written in independent form. Accordingly, Applicants have incorporated these dependent claims with their corresponding base independent claims, respectively claims 1, 6, 26, and 40. In view of this Amendment, Applicants request

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reconsideration and allowance of independent claims 1, 6, 26, and 40, along with the remaining claims depending therefrom.

Conclusion

In view of the foregoing, the Applicants respectfully request that the Examiner considers the above-noted amendment when the application is examined on its merits and that the Examiner issues a timely allowance of the pending claims. The Examiner is invited to contact Applicants' undersigned representatives to expedite prosecution.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349.

Respectfully submitted,



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